

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NOVARTIS PHARMA AG, NOVARTIS
PHARMACEUTICALS CORPORATION, and
NOVARTIS TECHNOLOGY LLC,

Plaintiffs,

v.

REGENERON PHARMACEUTICALS, INC.,

Defendant.

Case No. 1:20-cv-00690 (DNH-CFH)

STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiffs Novartis Pharma AG, Novartis Pharmaceuticals Corporation, and Novartis Technology LLC (collectively “Novartis”) brought this patent infringement action accusing Defendant Regeneron Pharmaceuticals, Inc. (“Regeneron”) (altogether “the Parties”) of infringing claims 1, 3-6, 11-13, 17, and 21-25 of U.S. Patent No. 9,220,631 (“the ’631 Patent”);

WHEREAS, no trial dates have been set by the Court.

WHEREAS, on October 26, 2021, the Patent Trial and Appeal Board (“PTAB”) instituted an *inter partes* review proceeding (IPR2021-00816) on all claims of the ’631 Patent;

WHEREAS, on October 25, 2022, the Patent Trial and Appeal Board issued a final written decision in IPR2021-00816 finding all claims of the ’631 Patent unpatentable as obvious under 35 U.S.C. § 103;

WHEREAS, Novartis intends to appeal the PTAB’s final written decision to the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”) and has until December 27, 2022 to file a notice of appeal;

IT IS NOW, THEREFORE, HEREBY STIPULATED AND AGREED, by and between the Parties, through their undersigned attorneys and subject to the Court's approval, that:

1. This Action shall be stayed pending a decision on Novartis' appeal to the Federal Circuit.
2. The Parties agree to file a joint status report within 10 days of the date on which the Federal Circuit issues a decision on or otherwise terminates Novartis's appeal.

STIPULATED TO AND APPROVED BY:

Dated: November 7, 2022

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ORDER

IT IS SO ORDERED this _____ day of, _____ 2022.

Hon. David N. Hurd
United States District Judge